

REMARKS

Claim 5 is canceled by this amendment. Claims 1-4 and 6-9 are currently pending in the instant application. Claim 9 has been withdrawn from consideration. Claims 1-4 and 6-8 have been amended to delete non-elected subject matter. In light of the above amendments, claims 1-4 and 6-8 are under active consideration in this application. No new matter has been added.

Elections/Restrictions

Applicants' election of Group I, claims 1-8 and the species of compound 4 in the paper mailed July 2, 2003 is acknowledged by the Examiner. According to the Examiner, the election of compound 4 results in the following generic concept: The product of the formula (I) wherein:

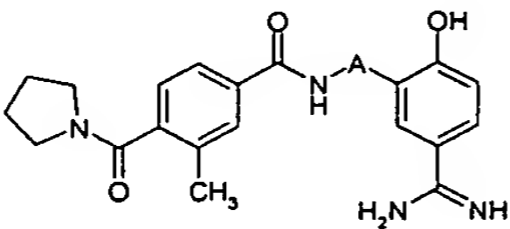

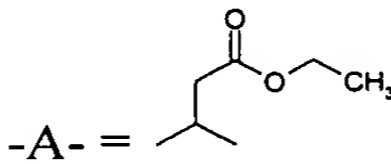
- (i) m denotes the number 0,
- (ii) n denotes the number 1,
- A denotes an (unsubstituted straight-chain C1-3 alkylene group,
- R1 denotes a pyrrolidinocarbonyl,
- R2 denotes a hydrogen or an (unsubstituted) C1-3 alkyl group,
- Ar denotes a phenyl group substituted by the groups R5, R6, and R7,
- R5 denotes an (unsubstituted) amidino group,
- R6 denotes a hydroxy group, and
- R7 denotes a hydrogen or C1-3 alkyl group.

The Examiner contends that various subject matter of claims 1-9 differ materially in structure and element from the elected subject matter and has withdrawn this subject matter by means of a restriction requirement within the claims.

Applicants strongly disagree with the generic concept given by the Examiner and respectfully request that the generic concept be broadened for the following reasons. Groups such as thienyl, thiazolyl, pyrimidyl, etc are all monocyclic heteroaromatic groups and thus are clearly homologous with regard to search of prior art so as to be encompassed by one inventive entity. The same applies to other functional groups such as CH₃ and CF₃, unsubstituted C1-3-alkylene and C1-3-alkylene substituted by methyl, hydroxycarbonyl, etc.

Applicants submit that compounds bearing an unsubstituted methylene group for A exhibit similar IC₅₀ values as compounds wherein A is a substituted methylene group, as evidenced in Table 1.

Table 1

Example No.		IC ₅₀ -value (nM)
3	-A- = -CH ₂ -	14
15	-A- = 	17
12	-A- = 	15

Applicants also do not agree with the restriction of R² as denoting only a hydrogen atom or an unsubstituted C1-3-alkylene group. Applicants submit that the halogen atoms, the trifluoromethyl, methoxy or trifluoromethoxy groups are also lipophilic groups. As can be seen in Tables 2a and 2b, below, these groups are interchangeable as evidenced by similar IC₅₀-values for compounds bearing various R² within one structure.

Table 2a

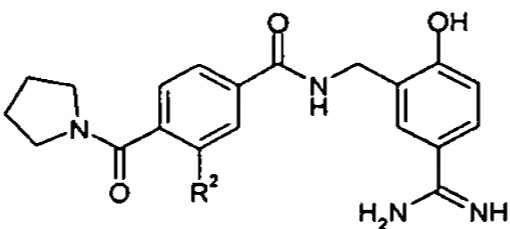
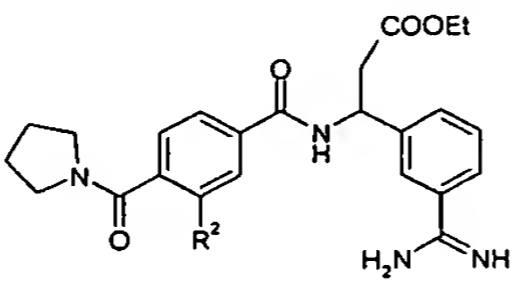
Example No.		IC ₅₀ -value (nM)
3	R ² = CH ₃	14
3(3)	R ² = CF ₃	10
11	R ² = Cl	10
17	R ² = OCF ₃	22

Table 2b

Example No.		IC ₅₀ -value (nM)
12	R ² = CH ₃	15
12(1)	R ² = Cl	17
12(3)	R ² = Br	17
16	R ² = CF ₃	14

In view of the above remarks, Applicants respectfully request that the generic concept be broadened.

Objections to the Claims

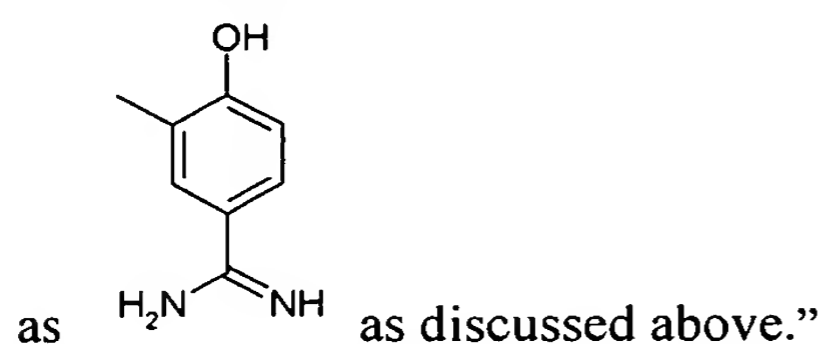
Claims 1-4 and 6-8 are objected to as containing non-elected subject matter.

In response, Applicants have deleted some subject matter which the Examiner contends is non-elected. However, for the reasons detailed above, Applicants maintain that certain functional groups would be encompassed by one inventive concept. For example, Applicants respectfully request that the definition of A as only an unsubstituted C1-3-alkylene group be broadened to include a C1-3-alkylene group optionally substituted by a methyl, hydroxycarbonyl, hydroxycarbonylmethyl, C1-3-alkoxycarbonyl or C1-3-alkoxycarbonylmethyl group. Applicants also request that the Examiner allow chlorine or bromine atom, C2-3-alkenyl, C2-3-alkynyl, C1-3-alkoxy and trifluoromethoxy groups as substituents for R₂. In addition, Applicants respectfully request that the Examiner extend her definition of R₆ to include hydrogen atom and hydroxy group.

Accordingly, applicants respectfully request that the Examiner reconsider and withdraw the Objections to the claims.

Rejections under 35 USC § 103

Claims 1-4 and 6-8 are rejected under 35 USC §103(a) as obvious over WO 00/71512. The Examiner contends that Example 24 of WO 00/71512 “differs from the instantly elected invention in the value for E and the value for Z-L, but there are other preferred embodiments of the prior art invention which have the value for E as $-C(=O)-N(-H)-$, and the value for Z-L



Applicants respectfully disagree with this rejection. While Applicants agree with the Examiner that the prior art does not disclose a specific species example which falls within Applicants’ elected invention, Applicants submit that the subject matter of the present invention is in no way obvious in view of Example 24 of WO 00/71512, neither alone nor in combination with other embodiments disclosed in WO 00/71512. It is earnestly asserted that the structural similarities between the claimed compounds and those of the reference are not sufficient to support a case of *prima facie* structural obviousness.

In Example 24 WO 00/71512, the amine function is $-NH-CO-$ and the phenylene group is unsubstituted. In complete contrast, the amine function of the instant invention is $-CO-NH-$ and the phenylene groups are substituted. Thus, the cited reference in no way teaches nor suggests the claimed compositions.

With respect to all the presently pending claims, Applicants submit, that for all the reasons detailed above, the cited reference cannot and does not make obvious the claimed compositions. Accordingly, the rejection based on Section 103 must be withdrawn.

CONCLUSION

In light of the above amendments and remarks, Applicants submit that all of the objections and rejections have been overcome and must be withdrawn. Further, Applicants submit that the application is now in form for issuance and an early allowance is earnestly requested. If any issues remain, the Examiner is invited to telephone the Attorney at the number below.

Respectfully submitted,

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